

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA)
vs.)
MICHAEL STICKLER)
Plaintiff,) 3:13-cr-28-LRH-VPC
Defendant.) ORDER

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Before the court is Defendant Michael Stickler’s (“Stickler”) Motion for Juror Questionnaire. Doc. #45.¹ The government filed an Opposition (Doc. #47), to which Stickler replied (Doc. #50).

I. Factual and Procedural History

This is a criminal action in which, on May 6, 2014, Stickler was indicted and charged with twelve counts of Willful Failure to Collect or Pay Over Taxes in violation of 26 U.S.C. § 7202 (the “Tax Case”). *See* Doc. #1. Stickler allegedly failed to pay employment taxes to the Internal Revenue Service (“IRS”) that he collected from his employees. *See id.*; Doc. #41, p. 2. Trial is set in the Tax Case for September 30, 2014. *See* Doc. #39. Previously, on November 28, 2012, Stickler was indicted in a separate criminal case for Theft of Government Monies under 18 U.S.C. § 641 (the “Grant Case”). *See* 3:12-cr-120, Doc. #1. On March 24, 2014, Stickler was found guilty in the Grant Case and sentencing in that case is scheduled for September 29, 2014. *See* 3:12-cr-120, Docs. #88, 98.

¹ Refers to the Court's docket number.

1 On January 12, 2011, the daily newspaper serving the Reno-Sparks community, the Reno
 2 Gazette-Journal (“RGJ”), first wrote about Stickler in regards to a project Stickler was involved
 3 in called Help Build Hope Haiti (“HBHH”). *See* Doc. #31, p. 2-3. Subsequently, the RGJ has
 4 published approximately forty (40) articles on Stickler’s involvement in the HBHH project and
 5 his criminal cases. *See* Doc. #31, p. 2-3. On April 21, 2014, Stickler filed a Motion for Intra-
 6 District Transfer (Doc. #31), in which Stickler contended that transfer of the Tax Case was
 7 warranted due to pretrial publicity stemming from the Grant Case and RGJ reports. On July 21,
 8 2014, this Court filed an Order (Doc. #49) denying Stickler’s Motion for Intra-District Transfer.
 9 The Court found that there is no actual or presumed prejudice in the Reno-area jury pool arising
 10 from media coverage related to Stickler or the charges against him. *See* Doc. #49. Now before
 11 the Court is Stickler’s Motion for Juror Questionnaire (Doc. #45), which Stickler contends is
 12 necessary to ferret out any prejudice in the jury pool.

13 **II. Discussion**

14 “The function of the voir dire is to ferret out prejudices in the venire that threaten the
 15 defendant’s Sixth Amendment right to a fair and impartial jury.” *United States v. Howell*, 231
 16 F.3d 615, 627 (9th Cir. 2000) (citing *Mu’Min v. Virginia*, 500 U.S. 415, 431 (1991)). Federal
 17 Rule of Criminal Procedure 24(a) permits a trial judge to examine prospective jurors, during
 18 which the court must allow the defendant and the government to supplement the examination
 19 with such further inquiry as the court deems proper. *See Howell*, 231 F.3d at 627 (citing FED. R.
 20 CRIM. P. 24(a)). However, “whether to allow supplemental questions proposed by counsel is
 21 within the ‘sound judicial discretion’ of the district court.” *Howell*, 231 F.3d at 627 (quoting
 22 *United States v. Baldwin*, 607 F.2d 1295, 1297 (9th Cir. 1979)). “A district court has
 23 considerable discretion to accept or reject proposed questions . . . and as long as it conducts an
 24 adequate voir dire, its rejection of a defendant’s specific questions is not error.” *United States v.*
 25 *Giese*, 587 F.2d 1170, 1182-83 (9th Cir. 1979) (citing *United States v. Heck*, 499 F.2d 778, 790
 26 (9th Cir. 1974)).

27 Here, consistent with the Court’s earlier findings that there is no prejudice stemming from
 28 Stickler’s pretrial publicity, the Court finds that the proposed juror questionnaire is unnecessary.

1 Additionally, the proposed questionnaire contains a number of questions with the apparent
2 purpose of swaying potential jurors to be predisposed to Stickler's position in the case prior to
3 trial. Moreover, a proper voir dire examination will be adequate to identify and address any
4 potential juror bias arising from media coverage related to Stickler or the charges against him. As
5 such, the Court finds that a traditional voir dire examination at the commencement of trial is the
6 preferable means of inquiring into juror qualification in this matter and the instant Motion for
7 Juror Questionnaire shall be denied.

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9 IT IS HEREBY ORDERED that Stickler's Motion for Juror Questionnaire (Doc. #45) is
10 DENIED.

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IT IS SO ORDERED.

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DATED this 4th day of August, 2014.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

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